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VIA ECF

October 5, 2022

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square, Courtroom 619
New York, New York 10007

Re: Weingeist v. Tropix, Inc., et al.
1:20-cv-00275 (ER) (SLC)

Dear Judge Ramos:

We represent Plaintiff Rachel Weingeist ("Defendant" or "Ms. Weingeist") in the above-referenced action. We write in response to the letter to Your Honor of September 30, 2022 from Defendants' counsel concerning their request to withdraw. We have no objection to counsel's withdrawal provided that the withdrawal does not result in a delay in this case. If this Court recalls, the case was filed on January 10, 2020, and a judgment had been rendered on November 5, 2020. Thereafter, withdrawing counsel's client moved to vacate the default judgment, a motion that was eventually granted. After Defendant filed an answer, defendant's counsel has continued to delay the matter and did not timely comply with all of his obligations in this case. In many instances, we were unable to reach the attorney for Defendant. We seek that the withdrawal does not further prejudice our client in delaying her obtaining a final judgment against defendants. For these reasons, if permitted to withdraw, Defendants should be given no more than 10 days to retain substitute counsel, and the court should order a briefing schedule on the third party defendant's motion to dismiss. Neither should discovery deadlines be affected by the withdrawal. Responses to document requests and interrogatories, served on September 22, 2022 per the Discovery Plan dated August 23, 2022, are due on October 21, 2022. Alternatively, the Court should Order that Defendants' current counsel only be permitted to withdraw after service of written discovery responses currently due October 21, 2022.

Respectfully,

/s/ Darius Marzec

Darius A. Marzec

DM/jr

CC: Geoffrey D. Mueller, Esq. (via ECF)
Steven Cohen, Esq. (via ECF)

Encl.: None